

Appropriate Conduct during a Pandemic

AT THIS TIME, many people want to know how they should conduct themselves during a pandemic such as coronavirus. For example, are they obligated to follow the instructions of isolation and other directives of the health authorities?

This matter is discussed by the Gemara, which describes several directives and various modes of conduct that Chazal instituted in order to prevent the spreading of infectious diseases:¹

The Rabbis taught: If there is pestilence in the city, "gather in your legs" [shelter indoors], as it says, "And you, no man shall go out from the entrance to his house until the morning." And it says, "Go my nation, come to your chambers and close the door behind you." And it says, "Outside the sword bereaves, and inside the rooms there is fear."

Why did it say "and it says" [in other words, why the need for additional sources]? [The answer is that were it only for the first verse, one might have said that the imperative to shelter indoors] only applies at night, but during the day it does not. For this reason, it cites [the second verse], "Go my nation, come to your chambers and close the door behind you." [And were it only to have cited the first two verses, one might have thought that] this is only true when there is no sensation of fear inside, but where there is fear inside, if

he leaves his house and sits in the company of others, it will be better for him. For this reason, it cites [the third verse], "Outside the sword bereaves, and inside the rooms there is fear," [to say that] although inside the rooms there is fear, outside the sword bereaves [which is far more dangerous].

The Rabbis taught: If there is pestilence in the city, a person should not walk in the middle of the road, for the Angel of Death walks in the middle of the road, for having been given license [to kill], he walks arrogantly. If there is peace in the city, a person should not walk on the side of the path, since he [the Angel of Death] has not been given the license, he travels secretly ["hiding" himself at the sides of the street].

We see that, in their great wisdom, Chazal derived the information that medical authorities espouse today from *pesukim* in the Torah, namely, that during a pandemic each person should isolate himself in his home and avoid the company of others to the greatest possible degree.

In the *Sefer Likutei Amarim*,² there appears a letter from Rav Menachem Mendel of Vitevsk (one of the disciples of the Maggid of Mezeritch), regarding the plague in the city of Teveria in the year 5546. The letter describes the suffering of the residents of the city, including the following passage:

¹ Bava Kamma 72b.

² Michtavim, michtav 13, p. 19.

We have enclosed ourselves in the new courtyard, inside of which is slightly more than a minyan so that it is possible to pray with a tzibbur...And others outside saw this and did likewise, in order to conceal themselves from the charon af in their courtyards and in their castles...And the only people that can be found on the streets are empty and foolish people, as well as gentiles.

Clearly, during plagues or pandemics, the Jewish people have always conducted themselves in accordance with Chazal, who invoked the verse in Yeshaya:³ “Go my nation, come to your rooms and close the door behind you.”

The Gemara above also implies that it is important to avoid sadness or depression, which are often a product of isolation. One may therefore even contemplate leaving one's home during a plague in order to enjoy the company of other people, so as to escape the anxiety that pervades one's home. However, the Gemara ultimately deduced that doing so would be a mistake: becoming infected is a greater danger than sadness, and therefore it is imperative to remain at home.

The Gemara asserts that during times of danger the “Angel of Death walks in the middle of road,” and in times of peace he can be found on the side of the street road. Simply understood, this is no scientific or medical recommendation. However, the *Rashbash* suggests a most novel interpretation of the Gemara:⁴

The intent of this [statement of the Gemara] is that during times of good health, a person should act consistently and remain on the middle ground regarding his food, drink, dress, sleep, times to awaken...exposure to fresh air, periods of activity, periods of rest, his mental state—namely, his feelings of joy, grief, anger, and desire. In all matters that are necessary for his body, a person should act in moderation: neither too much nor too little.

However, during a plague, a person must take the utmost care and should become accustomed to avoiding unnecessary extras: he should refrain from overeating and should eat high-quality food and less of it. He should rest for longer and avoid exertion. He should...distance himself from distressing matters and be increasingly glad. In all of these matters, he shall go to the extreme and not suffice with taking the middle ground. This is the allusion in [the words of the Gemara that] “A person should not travel in the middle of the road” but rather on the extremities. All of this is a natural [medical] matter.

The *Rashbash's* explanation of the Gemara is novel in the extreme, but is undoubtedly wise advice and an important lesson. During a plague or pandemic, a person must go to extremes in matters of health and in seeking to safeguard himself from infection.

The same message is explicitly stated by the Gemara regarding “*ra'asan*” (a highly infectious disease of the skin).⁵ The Gemara records the extreme measures taken by various Amoraim to avoid infection:

- Rav Yochanan would avoid any flies that had come into contact with a person suffering with *ra'asan* (as they transmit the disease).
- Rav Zeira would not stand downwind of a bearer of *ra'asan*.
- Rav Elazar would not enter the room of a bearer of *ra'asan*.
- Rav Ami and Rav Asi would not even eat the eggs from the street on which he lived!

The measures taken by these Amoraim were extraordinarily astute. Scientists today have discovered that infectious diseases pass from one person to another in one of three ways:

- First, through the bloodstream—as is the case with malaria, which is transmitted via mosquitoes that infect people by biting them.

3 26:20.

4 *Shu"t responsa* 195.

5 *Kesubos* 77b.

- Second, through the respiratory organs—as is the case with flu and the various coronaviruses where pathogens are exhaled into the atmosphere by those suffering with the disease and are inhaled by others.
- Third, through the digestive system—as occurs when a person ingests food that has been infected.

On account of all of these concerns, a person must refrain during a pandemic from coming into any contact with the sick or those who may be carrying the disease, as explained by the Gemara in *Bava Kamma*.

How incisive were the words of the *Chachamim*, who warned about the risk of infection in precisely these three ways:

- Rav Yochanan, who would avoid flies that had come into contact with a person suffering with *ra'asan*, wanted to avoid the possibility of infection through an insect bite, in other words, through the bloodstream.
- Rav Zeira, who evaded the air-stream of a diseased individual, wanted to avoid infection by inhalation.
- Rav Ami and Rav Asi, who avoided any food that had the chance of being infected were guarding their digestive systems from infection.

Finally, Rav Elazar avoided any proximity to the sick at all.

Hashem reveals the secrets of the world to those who fear him - or perhaps they knew from experience that these modes of conduct cause the spread of disease.

What Is Sakanah?

Let us examine the definition of *sakanah* and what our perspective on it should be:

- Do we consider every distant concern of danger to be a *sakanah* in Torah law?
- What degree of *sakanah* obliges a person to take steps to avoid the danger?

This latter question is particularly relevant to our situation today.

The Mishnah rules that if there is an incidence of *Makkas Dever* (a plague of pestilence), we fast and sound

the shofar.⁶ The definition of *Makkas Dever* is when three deaths are recorded in a town of five hundred people, three days in succession. Fewer than that is not a halachic cause for fasting or sounding the shofar. This is also ruled by the *Shulchan Aruch*.⁷ These guidelines are merely criteria in the halachos of fasting and sounding the shofar. One cannot, however, draw any conclusions as to the extent of the general obligation of avoiding *sakanah*.

I have discussed the definition of *sakanah* in *Shu"t Minchas Asher*,⁸ and I noted that it is discussed in three separate fields of halachah:

1. In *Hilchos Berachos*, there are two pertinent halachos. The Gemara rules:⁹ There are four who need to offer thanks (recite *Birkas HaGomel*). Seafarers, those who traverse the deserts, a person who was sick and recovered, and a person who was incarcerated and set free.

There are two disputes among the *Rishonim* with regard to this halachah:

- According to the *Rambam*,¹⁰ a person who was sick in any way and recovered or one who has been on any sort of journey needs to recite *Birkas HaGomel*.
- According to the *Tur*,¹¹ only a person who was dangerously ill and only those who undertook a dangerous journey, such as through a desert, need to offer thanks.
- The *Shulchan Aruch* notes that regarding reciting *Birkas HaGomel* after a journey, the custom in France and Germany followed the *Tur*, whereas in Spain it followed the *Rambam*.¹²
- Regarding sickness, the *Shulchan Aruch* rules like the *Rambam* and the *Rema* like the *Tur*.¹³

6 *Ta'anis* 19a.

7 O.C. 567.

8 3:121.

9 *Berachos* 54b.

10 *Hilchos Berachos* 10:8.

11 *Tur* 219.

12 *Ibid.* 7.

13 *Ibid.* 8.

The *Yerushalmi* states:¹⁴ “All journeys are presumed to be dangerous...all of the sick are presumed to be in danger.” This appears to be a clear proof for the position of the *Rambam*. However, the *Beis Yosef* defends the view of the *Tur*, arguing that the *Yerushalmi* is only discussing the law of *Tefillas HaDerech*, which must be recited when undertaking any journey, as he clearly rules.¹⁵

According to the *Beis Yosef*, the definition of *sakanah* regarding *Tefillas HaDerech*, in which “all journeys are presumed to be dangerous,” is different from its definition regarding *Birkas HaGomel*, in which only those in actual peril must recite the *berachah*.

2. In the aforementioned *teshuvah*, I also explained that there is a distinction between a singular **incident of danger to an individual** and a **naturally recurring danger to the general public**. The *Magen Avraham* rules that one may not desecrate Shabbos on account of *pikuach nefesh* when the likelihood of danger is only one in a thousand or less.¹⁶ Nevertheless, regarding a woman who is due to give birth, he rules that one may desecrate Shabbos on her behalf (though one should utilize a *Shinuy*) **despite the fact that fewer than one in a thousand women die in childbirth**.¹⁷ The reason for this is that birth is a natural process, and if that process is certain to cause **somebody's** death, even if that person is only one in several thousand, we are obligated to do all that is in our power to save them.
3. This is all the more true when avoiding *sakanah*—for if we desecrate Shabbos even in cases where danger is extremely unlikely, given that a small percentage of people will certainly be endangered, one must certainly take measures to avoid contracting an infectious disease. For this reason,

I have vehemently stated on previous occasions that there is an absolute obligation to immunize children against mumps, rubella, and measles.¹⁸ Though statistically, the chance of death in childhood from these diseases is low, since it is certain that if these immunizations are not administered, a certain number of children will die—even if they will be only one in several thousand—there is an absolute responsibility to ensure this doesn't occur.

The *Binyan Tzion* goes even further.¹⁹ He discusses the issue of *metzitzah b'peh* (the procedure where a *mohel* sucks blood from the *bris milah* wound) and argues strongly that this custom should not be abolished due to the danger of infection. He also vehemently disagrees with those who maintained that *metzitzah* of any kind should be abolished. Nevertheless, he does note that one should not ignore the medical opinions that *metzitzah b'peh* may be a dangerous practice, **even if the likelihood of danger is only one in tens of thousands!** Therefore, if the *mohel* is sick, or there is a fresh wound in his mouth, he must be prevented from performing *bris milah* and certainly from performing *metzitzah*.

We have seen that the *Binyan Tzion* implies that one should be concerned about *sakanah* that has a likelihood of only one in tens of thousands. His reasoning almost certainly is that the sickness contracted from *metzitzah b'peh* is a natural phenomenon, and if we were to broadly permit it, many children would take ill and some would die. Therefore, it must be prohibited wherever there is any possibility of danger, no matter how small.

During the cholera outbreak of the eighteenth century, many of the great *rabbanim* of the time expressed extremely lenient positions with regard to eating on Yom Kippur.²⁰ Rav Yisrael Salanter also famously ruled at that time that even those who were healthy should eat on Yom Kippur so that those who were sick wouldn't

14 *Berachos* 4:4–34b.

15 *Shulchan Aruch* 110:4.

16 *Magen Avraham* 316:23.

17 *Ibid.* 330:3, based on a *Maggid Mishnah*, *Hilchos Shabbos* 2:11.

18 See *Kovetz Zichron Shabsi v'Aryeh*, *Kovetz 3 miBei Rav* 5–7.

19 *Shu"t* 1:23–24.

20 See *Shu"t Chasam Sofer* 6:23 and *Shu"t Mizpeh Aryeh* (by Rav Aryeh Leib Broda, the Av Beis Din of Levov, O.C. 41) who testifies that this was the position of the *Sho'el u'Meishiv* during the epidemic of 5633.

think of acting stringently and fasting. (See below, No. 3, where we discuss this ruling at length).

In *Igros Rabi Akiva Eiger* (Igeres 71), a letter that Rav Akiva Eiger wrote to his *talmid* Rav Eliyahu Gutmacher appears, regarding the cholera outbreak of the time. In it, he outlines several enactments, halachic rulings, and other pieces of advice regarding the prevention of the spreading of the disease. One thing he proposes is “social distancing,” forbidding any gathering for *tefillah* that comprised more than fifteen people. He recommends keeping a record of those who were to be participating in each minyan so as to ensure that no larger gathering would ensue, and that if people were not adhering to the guidelines, the local, non-Jewish police were to be enlisted to enforce it!

Halachah L'Maaseh

This should also be the practice today.

All instructions from the medical authorities and Health Ministry should be scrupulously adhered to, and those who have been instructed to remain in isolation should not leave their homes. Doing so would endanger the public and is prohibited. During times of pestilence, plague, or pandemic, one must “walk on the sides of the street” and go to extremes in order to avoid any danger.

ונעתור בתחנון ובתפילה לפני בורא רפואות ומצמיח ישועות לרחם עלינו
ועל פליטתנו, ולמונע משחית ומגיפה מעלינו ומעל כל עמו בית ישראל
ונאמר אמן.

These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.